

TOWN OF COTTAGE GROVE - CODE OF ORDINANCES

CHAPTER 10 - PUBLIC PEACE AND GOOD ORDER

10.01 STATE STATUTES ADOPTED BY REFERENCE

(1) DEFINITIONS

(a) Within this chapter, the definitions of words and phrases contained in the referenced state statutes, as amended, are hereby adopted and made a part of this ordinance with the same force and effect as if they were fully reprinted herein.

(b) "Attempt" means that the person intended to commit an offense; however, the act was not completed as a result of the intervention of some other person or extraneous factor. Any forfeiture imposed as a result of an attempted offense, shall not exceed 2 of the maximum forfeiture for the offense itself.

(c) "Intent" means the same as the term "criminal intent", as designated in state statutes.

(d) "Offense" means the same as the terms "crime", "felony", or "misdemeanor", as designated in state statutes.

(e) "Parties to offense" means any person concerned in the commission of an offense, when that person does any of the following:

1. Directly commits the offense.
2. Intentionally aids and abets the commission of the offense.
3. Is a party to a conspiracy with another to commit an offense, or advises, hires, counsels, or otherwise procures another to commit it.

(2) OFFENSES TO STATE LAWS SUBJECT TO FORFEITURE

The following statutory references, as amended, following the prefix "10", are adopted as offenses under this ordinance; provided the penalty for the commission of such offenses shall be limited to a forfeiture imposed under s. TCG 25.04.

10-161.41	Possession, manufacture or delivery of controlled substances.
10-161.573	Possession of drug paraphernalia.
10-167.10	Regulation of fireworks.
10-167(30,31)	Safeguards of person and property.
10-254.92	Underage Possession of Tobacco Products
10-939.22	Words and phrases defined.
10-939.32	Attempt.
10-941.01	Negligent operation of vehicle (off-roadway).
10-941.10	Negligent handling of burning material.
10-941.12(2,3)	Interfering with fire fighting.
10-941.13	False alarms.
10-941.20(1)	Endangering safety by use of dangerous weapon.
10-941.23	Carrying concealed weapon.

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10-941.235	Carrying firearm in public building.
10-941.24	Possession of switchblade knife.
10-941.37	Obstructing emergency or rescue personnel.
10-943.01(1,3,4)	Damage to property (less than \$1,000).
10-943.11	Entry into locked vehicle.
10-943.125	Entry into locked coin box.
10-943.13	Trespass to land.
10-943.14	Trespass to dwelling.
10-943.15	Entry into a construction site or into a locked building, dwelling or room.
10-943.20	Theft (less than \$1,000).
10-943.21	Fraud on restaurant keeper (less than \$1,000).
10-943.23	Operating vehicle without owner's consent.
10-943.24(1,3-5)	Issue of worthless check (less than \$1,000).
10-943.34(1)	Receiving stolen property (less than \$1,000).
10-943.41(1,3-8)	Credit card offenses (less than \$1,000).
10-943.50	Retail theft (shoplifting).
10-945	Gambling.
10-946.32(2)	False swearing.
10-946.40	Refusing to aid officer.
10-946.41	Resisting or obstructing officer.
10-946.42(1,2)	Escape.
10-946.70(1)	Impersonating peace officer.
10-946.72(2)	Tampering with public records and notices.
10-947.01	Disorderly conduct.
10-947.012	Unlawful use of telephone.
10-947.013(1,1m,1r)	Harassment
10-948.60	Possession of dangerous weapon by child.

(3) EFFECTIVE DATE

(a) The original ordinance was adopted on 7 Jun 1993.

(b) This section shall take effect upon passage and publication.

10.02 CURFEW

(1) CHILDREN UNACCOMPANIED AT NIGHT

(a)

1. No child under the age of 16 years shall remain upon any public or private place in the town, between the hours of 10:00 p.m. and 5:00 a.m., Sunday thru Thursday, or between the hours of 11:00 p.m. and 5:00 a.m., Friday and Saturday, unless accompanied by their parent, guardian, or other legal custodian.
2. No person between the ages of 16 and 18 years shall remain upon any public

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or private place in the town, between the hours of 11:00 p.m. and 5:00 a.m., Sunday thru Thursday, or between the hours of 12:00 p.m. and 5:00 a.m., Friday and Saturday, unless accompanied by their parent, guardian, or other legal custodian.

(b) The provisions of this ordinance do not apply to a person:

1. Performing an errand as directed by a parent, guardian, or other legal custodian.
2. Who is on their own premises, or the open areas immediately adjacent to their premises.
3. Whose employment makes it necessary to be out, and unaccompanied, during the curfew hours.
4. Attending, or returning home from a supervised school, religious, or civic function.
5. At the residence of another, with prior consent of a parent, guardian, or other legal custodian, and while under the supervision of a responsible adult.

The above exceptions do not authorize any person to loiter upon any public or private place, or within a parked motor vehicle during the curfew hours.

(2) PARENTAL VIOLATION

No parent, guardian, or other legal custodian of a person under the age of 18 years, shall permit or allow such person to act in violation of the provisions of this ordinance.

(3) DETAINING A CURFEW VIOLATOR

Any person believed to be violating this ordinance may be detained by any police officer, taken to the police station, the person's residence, or other appropriate facility for proper identification, and released to a parent, guardian, or other legal custodian.

(4) PENALTY FOR VIOLATION

(a) The first time a person is detained as described in (3), the person shall be issued a written warning, and the person, along with his/her parent, guardian, or legal custodian, shall be provided with a copy of this ordinance.

(b) Any person, or his/her parent, guardian, or other legal custodian, who has been warned in the manner described in (4)(a) who thereafter violates any provision of this ordinance shall be subject to a class C forfeiture, under s. TCG 25.04.

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(c) Any child convicted of violating this ordinance, may be dealt with under ch 938, Stats., as amended.

(d) Any person found with another person in violation of the provisions of this ordinance, may be charged with an offense, as a party to offense, and shall be subject to a class C forfeiture, under s. TCG 25.04.

(5) EFFECTIVE DATE

This section shall take effect upon passage and publication.

10.03 THROWING OR SHOOTING OF ARROWS, STONES AND OTHER MISSILES

(1) PROHIBITED ACTIONS

No person shall throw or shoot any object, arrow, stone, snowball, or other missile or projectile, by hand or other means, at any person; or, at, in, or into any vehicle, building, street, highway, park, or public place within the town limits.

(2) PENALTY FOR VIOLATION

In addition to, and separate from, any liability resulting from any negligent actions; violations of this ordinance shall be punishable as class C forfeitures, under s. TCG 25.04.

(3) EFFECTIVE DATE

(a) The original ordinance was adopted on 7 Jun 1993.

(b) This section shall take effect upon passage and publication.

10.04 LOITERING

(1) LOITERING OR PROWLING

(a) No person shall loiter or prowl, at a time, or in a place or manner not usual for law abiding persons; under circumstances that warrant alarm for the safety of persons, or property in the vicinity.

(b) No person, group, or crowd shall loaf, lounge, or loiter within the town limits in such a manner as to prevent, interfere with, or obstruct the free use of any street, parking lot, sidewalk, highway, roadway crossing, bridge, business, or property, either public or private.

(c) No person, group, or crowd shall loaf, or loiter in any area described in (b) without invitation from the owner, or person having authority over such places; after first being requested to move by any police officer, or by any person in authority at such place.

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(2) PENALTY FOR VIOLATION

Violations of this ordinance shall be punishable as class C forfeitures, under s. TCG 25.04.

(3) EFFECTIVE DATE

This section shall take effect upon passage and publication.

10.05 REGULATED TRAFFIC IN PUBLIC PARKS

(1) PROHIBITED ACTS

(a) No person shall operate, or park a vehicle in a public park within the town limits, outside of a designated right-of-way established for such use, without first obtaining written permission from the town chair, or any person so designated by the chair. For purposes of this ordinance, the term vehicle includes, but is not limited to: agricultural equipment, all-terrain vehicles, mopeds, motor vehicles, motorcycles and snowmobiles.

(b) No person may ride, lead, or fail to prevent a horse from being in any public park within the town limits; contrary to a posted notice.

(2) PENALTY FOR VIOLATION

Violations of this ordinance shall be punishable as class B forfeitures, under s. TCG 25.04.

(3) EFFECTIVE DATE

This section shall take effect upon passage and publication.

10.06 TRESPASS

(1) PROHIBITED ACTS

(a) No person may be on any private property, or in any dwelling or business establishment without the express or implied consent of the owner or the owner's authorized agent or representative.

(b) No person may remain on any private property, or in any dwelling or business establishment after consent to remain has been expressly withdrawn by the owner or the owner's authorized agent or representative.

(c) No person may be on any public property, or in any public building owned by the town, or other governmental unit or subdivision, without having obtained prior authorization; other than for those specific purposes, and during the hours, the area is held open to the public.

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(d) The provisions of (a) to (c) shall apply to all acts of trespass committed within the town limits; in addition to the provisions of s. TCG 10.01(2), as they relate to criminal trespass.

(2) PENALTY FOR VIOLATION

Violations of this ordinance shall be punishable as class C forfeitures, under s. TCG 25.04.

(3) EFFECTIVE DATE

This section shall take effect upon passage and publication.

10.07 BATTERY

(1) PROHIBITED ACTIONS

No person may cause bodily harm to another by an act done with intent to cause bodily harm to that person or another, without the consent of the person so harmed.

(2) PENALTY FOR VIOLATION

Violations of this ordinance shall be punishable as class D forfeitures, under s. TCG 25.04.

(3) EFFECTIVE DATE

This section shall take effect upon passage and publication.